

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,	§	
	§	
	§	Civil Action No. 6:12-cv-499-MHS
v.	§	(Lead case for Consolidation Issues)
	§	Jury Trial Demanded
	§	
Texas Instruments, Inc.,	§	

Blue Spike, LLC,	§	
	§	
	§	Civil Action No. 6:13-cv-125
v.	§	
	§	
Entropic Communications, Inc.	§	

**DECLARATION OF ALAN H. BLANKENHEIMER IN SUPPORT OF ENTROPIC
COMMUNICATIONS, INC.'S MOTION TO DISMISS BLUE SPIKE, LLC'S
COMPLAINT FOR INDIRECT AND WILLFUL PATENT INFRINGEMENT FOR
FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED**

I, Alan H. Blankenheimer, declare as follows:

1. I am a Partner with Covington & Burling LLP, counsel for Defendant Entropic Communications, Inc. ("Entropic") in the above-captioned matter. I am a member in good standing of the Bar of the State of California, and I am admitted to practice before various courts, including the Eastern District of Texas. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the matters set forth herein.

2. On March 4, 2013, I conferred by telephone with Randall Gartheiser and Christopher Honea, counsel for Plaintiff Blue Spike, LLC ("Blue Spike"). Bruce Greenhaus, Vice-President and Chief Patent Counsel of Entropic, also participated in the call. I pointed out that Blue Spike's Complaint failed to sufficiently allege facts that could plausibly support the allegations of indirect and willful infringement against Entropic. Illustratively, I stated that Blue

Spike did not and could not allege that Entropic had any knowledge of the patents-in-suit at any time before Blue Spike filed its Complaint, or at the time of the conduct on which the allegations of infringement apparently are based. I requested that Blue Spike consider amending its Complaint to avoid unnecessary motion practice. Messrs. Gartheiser and Honea stated that they disagreed that the Complaint is deficient, and they refused to agree to amend it. I advised them that Entropic would therefore proceed to file a motion to dismiss the Complaint's allegations of indirect and willful infringement.

3. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 5th day March, 2013, in San Diego, California.

/s/ Alan H. Blankenheimer
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